

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re:)	Chapter 11
)	
)	Case No. 01-01139 (JKF)
W.R. Grace & Co., et al.,)	
)	(Jointly Administered)
Debtors.)	
_____)	

ANDERSON MEMORIAL HOSPITAL'S MOTION TO EXTEND DEADLINES

Anderson Memorial Hospital ("Anderson"), by and through counsel, Speights & Runyan ("S&R"), and on behalf of the USA and Canadian Claimants it represents, hereby moves the Court for an Order extending the deadlines set forth in this Court's April 11, 2007 Modified Amended Scheduling Order for Adjudication of Asbestos PD Claims. [Doc. No. 15156]. In support of this motion, Anderson would show as follows:

1. On Wednesday, April 11, 2007, at 6:23 p.m., the Debtors provided claimants "A preliminary list of claims for which the Debtor intends to pursue objections at the April 23-25 hearing." The Debtors stated that, "I wanted to get the list to you as a courtesy prior to Friday so that you were not preparing materials for claims that would not be addressed at the hearing."¹ Unfortunately, that has not been the case.

2. The Debtors' preliminary list of claims included a total of 72 Anderson claims – 23 USA claims and 49 Canadian claims – to be litigated on April 23-25, 2007.²

¹The Debtors noted that, "This is a work in progress and is NOT the order of claims list that we are required to file on Friday. Rather, it is a list of all of the claims that will [sic] believe will be addressed."

²Anderson has excluded claims which the Debtors noted were in the process of being expunged.

Thus, Anderson was faced with preparing witness lists, trial briefs, and otherwise preparing for trial with respect to these 72 claims. However, the Debtors' preliminary list of claims included 32 claims represented by Anderson which were not subject to the Debtors' PID objections in their Fifteenth Omnibus Objection and Exhibit A to this Court's October 13, 2006 Case Management Order ("CMO"). Anderson went to work trying to meet the Court's deadlines and otherwise prepare for trial with respect to these 40 claims subject to the Debtors' PID objections.

3. Today at 9:34 a.m., the Debtors amended their preliminary list of claims, adding two claims and subtracting one claim. One of the claims which Grace added was an Anderson USA claim, and the claim which it said should not have been on the list was also an Anderson USA claim. Therefore, the Debtors' preliminary list of claims, as amended, still included a total of 72 Anderson claims – 23 USA claims and 49 Canadian claims – to be litigated on April 23-25, 2007. The Debtors' preliminary list of claims, as amended, again included 32 claims represented by Anderson which were not subject to the Debtors' PID objections in their Fifteenth Omnibus Objection and Exhibit A to this Court's CMO governing this proceeding. Anderson continued to work on the deadlines with respect to the 40 claims to which the Debtors had filed PID objections, albeit a slightly different mix.

4. Today at 1:50 p.m., the Debtors further amended their preliminary list of claims as follows:

Based on our continued review of the documents and discussions with several of you, I think that there have been additional claims that will be removed from the list of claims to be addressed at the April 23-25 hearing that I sent to you on Wednesday. Attached is a revised version of the preliminary list of claims which I have annotated to reflect the claims that will not be addressed at the hearing. Some of these annotations were on the version I sent out on Wednesday, but this version has some additional annotations. Please note that this is NOT the list in the order in which the claims will be addressed, which list we are required to file today. We hope to have that list finalized and prepared shortly. The list that we will file this afternoon will NOT include the claims or objections that are

annotated as being withdrawn (or to be withdrawn) or annotated as not being part of the hearing per the Court's 4/11 order. Thus, the following claim will not be on that list: 4382, 5986, 7092, 6901, 9838, 9839, 9842, 9843, 9845, 9849, 9857, 9861, 9864, 9881, 9889, 10757, 10805, 10885, 10886, 11027, 11037, 11055, 11151, 11227, 11957, 11962, 12315, 12476, 12498, 12500, 12501, 12503, 12542.

5. Facing a 5:00 p.m. deadline, it is impossible for Anderson to decipher with any confidence exactly which claims are to be tried and which claims are not to be tried in sufficient time to comply with all the Court deadlines set forth in the Amended CMO. While Anderson is having to deal with a moving target, it appears that the Debtors are now pursuing objections as to 63 Anderson claims, including 26 claims which are not subject to PID objections in the Fifteenth Omnibus Objection and the original CMO.³

6. Anderson files this Motion to protect it from having to meet deadlines and otherwise prepare for trial with respect to claims where the Debtors have not filed PID objections. If the Debtors persist in including these claims on their list for trial, Anderson will file an emergency motion to strike non-PID objections from the roster of claims to be tried on April 23-25, 2007. In addition, because of the harem scarem manner in which this information is flowing into counsel's office while trying to copy and serve exhibit lists and prepare a pretrial brief, Anderson requests that it be allowed to file amended materials after the Debtors file their final list of claims.

7. Finally, Anderson wants to make it perfectly clear that it does not object to the Debtors withdrawing claims. While Anderson regrets that the Debtors have not done so previously, it encourages the Debtors to finish this project by withdrawing other claims from this

³ Hopefully, those discrepancies will be corrected before the Debtors file their final list of PID claims to be adjudicated on April 23-25, 2007. It appears without an opportunity for study that the claims which are not subject to a PID objection are as follows: 6637, 10668, 11104, 11323, 11428, 11620, 11683, 12309, 12314, 12368, 12395, 12396, 12400, 12401, 12427, 12430, 12440, 12489, 12490, 12493, 12525, 12526, 12527, 12528, 12532, 13950.

proceeding which were not the subject of its PID objections or for which Anderson has provided sufficient PID information.

CONCLUSION

For the foregoing reasons, Anderson respectfully requests the Court to extend the deadlines set forth in its Modified Amended Scheduling Order for Adjudication of Asbestos PD Claims.

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/s/Christopher D. Loizides
Christopher D. Loizides (#3968)
LOIZIDES, P.A.
1225 King Street, Suite 800
Wilmington, DE 19801
Telephone: (302) 654-0248
Facsimile: (302) 654-0728
E-mail: loizides@loizides.com

SPEIGHTS & RUNYAN
Daniel A. Speights (SC Fed. ID No. 4252)
Marion C. Fairey, Jr. (SC Fed ID No. 6101)
200 Jackson Avenue, East
Post Office Box 685
Hampton, SC 29924
Telephone: (803) 943-4444
Facsimile: (803) 943-4599

Counsel to Speights & Runyan